

MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF  
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,  
VILLAGE HALL, ON WEDNESDAY, APRIL 1, 1998.

**Members Present:** Patrick J. Gilmartin, Chairman  
Robert Buford  
William Hoffman  
Allen Morris, Secretary

**Members Absent:** Peter Lilienfield

**Also Present:** Kevin J. Plunkett, Village Counsel  
Brenda Livingston, Ad Hoc Planning Board  
Member  
Ralph Mastromonaco & Bruce Donohue,  
Consulting Engineers  
Eugene Hughey, Building Inspector  
Florence Costello, Planning Board Clerk  
Robert Citarell, E.C.B. Member  
J&L Reporting Service, for Westwood  
Development Associates  
Applicants and other persons mentioned in  
these Minutes  
Members of the Public.

**IPB Matters**

**Considered:** 94-03 -- Westwood Development  
Associates, Inc.

Sht.10,10C,11,Lots  
25K,25J2,25K2,25A,26A

95-21 -- Spectrum Irvington Corp.  
(Amendment)

Sht. 12B, Lot #24  
96-13 -- Louis W. Goodkind  
Sht. 10F, Bl. 253, Lot 15  
97-14 -- Ettore & Maria D'Alessio  
Sht. 13, Lot 141A  
98-06 -- Robert & Katherine Mackie  
Sht. 2, P110C & 110D  
98-10 -- Randall & Ann Shepherd  
Sht. 7A, Bl. 232, Lot 32-35  
98-12 -- Boran Construction  
Sht. 5, Bl. 212, Lot 4 & 5  
98-14 -- Spectrum Irvington Corp.  
Sht. 12B, Lot #1  
98-15 -- Spectrum Irvington Corp.  
Sht. 12B, Lot #8  
98-16 -- Spectrum Irvington Corp.  
Sht. 12B, Lot #9  
98-17 -- Spectrum Irvington Corp.  
Sht. 12B, Lot #39  
98-18 -- Spectrum Irvington Corp.  
Sht. 12B, Lot #11  
98-19 -- Spectrum Irvington Corp.  
Sht. 12B, Lot #13

98-20 -- Spectrum Irvington Corp.  
Sht. 12B, Lot #29  
98-21 -- Joseph & JoAnn Giamelli  
Sht. 13, P-131H

The Chairman called the meeting to order at 8:00 p.m.

**IPB Matter #98-21:**  
**Giamelli for Site**

**Application of Joseph & JoAnn**

**at 5 Cindy**

**Development Plan Approval for property  
Lane.**

Emilio Escaladas, Architect, appeared for the Application. Applicant paid the required application fee and submitted evidence of mailing of required Notice to Affected Property Owners. The proposed development consists of adding an additional, attached structure measuring approximately 22 ft. x 36 ft., resulting in an additional living space of 1500 square feet. Applicant submitted drawing, "Survey of Lot 5, Subdivision Map of Esposito Estate, Inc.", dated 3/19/98, prepared by Rob Iaropoli, L.S.

The Chairman, with the Board's concurrence, stated that the Application would be treated as a Request for Waiver of Site Development Plan Approval, subject to the Applicant's addressing Mr. Mastromonaco's memo dated April 1, 1998 requesting a drywell to be provided for the roof runoff. There were no comments from the public.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

**WHEREAS**, the Planning Board has determined in accordance with Section 243-17 of the Village Code that the proposed addition meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare,

or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE,** the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

**IPB Matter #98-12:**                      **Application of Boran Construction Corp., for Site Development Plan Approval for property at 76 Main Street.**

Kenneth Nadler, Architect, appeared for the Application. Applicant paid the required application fee and furnished evidence of publication and mailing of the required Notice to Affected Property Owners. The proposed development includes: renovation of existing one (1) story building and addition of 1200 sq. ft. of new commercial space at the first floor as well as four (4) two-bedroom dwelling units above existing commercial space, including two (2) additional stories. Applicant submitted Topographical Survey by Aristotle Bornazos, P.C., dated February 17, 1998, and Plans prepared by Kenneth R. Nadler & Associates entitled: Boran Construction Corp., Existing and Proposed Site Plans, SP 100, and Residential Floor Plans and Elevations, A-101, dated March 13, 1998.

The Chairman noted Mr. Mastromonaco's memo dated April 1, 1998 regarding parking, setbacks, and the need for drainage, grades, pavements utilities and signage details to be provided. Parking, nonconformity issue, arcade, backyard setbacks and number of cars are issues to be reviewed by Village Counsel. The Chairman asked for public comment. Edgar Malecki, 40 South Ferris Street discussed architecture and parking for retailers. Earl Ferguson, A.R.B. Chair, 14 South Ferris Street, concerned for arcade style and cited problems with Ferris and Main Street traffic. Paul Walker, 12 South Ferris Street, concerns regarding trash and landscaping. Barbara Denyer, E.C.B. member, restated that architecture must be compatible. Jay Snyder, 12 South Ferris Street, was concerned about traffic, parking, arcade concept and setbacks.

Mr. Nadler advised he would revise his arcade plans, and prepare a Site Capacity Application and Long Environmental Assessment Form for the May 6, 1998 meeting.

**IPB Matter #98-06:**                    **Application of Robert & Katherine Mackie for a three lot subdivision and Limited Site Development Plan Approval for property at 41A North Broadway.**

Norman Sheer, Esq., and Timothy Cronin, P.E., appeared for the Application, and submitted evidence of publication and mailing of Required Notice to Affected Property Owners for tonight's public hearing. This Application seeks approval for division of the Applicant's property into three residential building lots and to allow the construction of two new homes. The Chairman opened the Public Hearing.

Discussion followed regarding building site questions, the original plan was most desirable. No response from the public. Mr. Mastromonaco's concern on drainage plan was addressed. Additional plans for stonewalls and driveway entrance. Much discussion ensued about posting a performance bond for utilities or alternately having the first home builder pay for utility construction. A long form environmental assessment form is required for the next meeting. The public hearing was adjourned to the May meeting.

**IPB Matter #98-10:**                    **Application of Randall & Ann Shepherd for Site Development Plan Approval for property at 34 Station Road.**

Mark Olson, Architect, appeared on behalf of the Application carried over from the April 1, 1998 Planning Board meeting. Proposed development consists of a two-story addition to existing residence. Applicant was

directed to the Zoning Board of Appeals for a variance for the front yard encroachment. The Zoning Board granted a variance for set back requirements at its March 24, 1998 meeting.

There were no comments from the public. The Chairman referred to a memorandum from Ralph Mastromonaco, dated March 2, 1998, stating erosion control should be provided during excavation, and a drywell be provided for runoff from additional impervious areas. The Chairman, with the Board's concurrence stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. The Chairman also with the Board's concurrence, stated that approval of the project would be conditioned on Mr. Mastromonaco's approval of Applicant's compliance with erosion control and drywell for runoff.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

**WHEREAS,** the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed alteration and addition meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE,** the Planning Board hereby waives all requirements for Site Development Plan

Approval for this Application, but on condition of Mr. Mastromonaco's concerns.

IPB Matter #94-03:                      Application of Westwood  
Development Associates, Inc.,  
    for Limited Site Development Plan  
Approval for    property at Broadway,  
Riverview Rd. & Mountain Rd.

Messrs. Padraic Steinschneider and Charles Pateman appeared for the Applicant. Introductory discussion was on the so-called Remedial Legislation and the nine listed items about which the Planning Board must make specific findings. The Chairman proposed a Westwood Special Meeting for April 29, 1998 at 8:00 p.m. to consider the request for adjustment of the Site Capacity of the property. The Board would listen to comments and a DEIS response will be forthcoming at the June meeting. Mr. Pateman agreed to this schedule, and will notify the public and department heads. The Chairman noticed that the Village Clerk's office had confirmed that all property taxes on the land in question were current and that the Applicant had brought the escrow account to the required level. Mr. Pateman will meet with Mr. Mastromonaco prior to the Special Meeting to compare current DEIS to 1995 plans.

A complete transcript of the proceedings relating to this matter was prepared and is incorporated herein by reference.

IPB Matter #96-13:                  Application of Louis W. Goodkind  
for Preliminary                              Layout Approval for  
a two lot Subdivision of property  
at Harriman Road and Fieldpoint Drive.

Gerald D. Reilly, Esq., appeared for the Applicant. Applicant furnished evidence of publication and mailing of required Notice to Affected Property Owners for this public hearing regarding the application of Louis W. Goodkind for preliminary subdivision and limited site plan approval.

The Chairman observed that under the Village Code a public hearing on an application for preliminary subdivision approval is not required but only that notice be given to Affected Property Owners that the Board will consider the Application at a specified public meeting. A public hearing is however required for Site Plan Approval. The Board reviewed the EAF filed by the Applicant and made a Negative Declaration. The Chairman undertook to file the Negative Declaration as required by SEQRA.

The Chairman then opened the public hearing on the site plan. There were no comments from the public. Because certain engineering details remain to be furnished, the Board voted to carry the public hearing over to its May meeting. Mr. Morris was requested to remind the Police Chief of the request that parking be restricted on Fieldpoint Drive.

The Board then adopted a Resolution for Preliminary Layout Approval, and "Preliminary Subdivision and Site Plan prepared for Louis W. Goodkind" dated October 15, 1992 last revised August 19, 1997, prepared by Charles Riley, Land Surveyor. A copy of said Resolution is annexed to these Minutes and made a part hereof.

**IPB Matter #97-14:**                      **Application of Ettore & Maria**  
**D'Alessio for Site**  
**Development Plan Approval and**  
**Preliminary Layout**                      **Approval for**  
**property at 27 Hamilton Road.**

Gerald D. Reilly, Esq., and Christina Griffin, Architect, appeared for the Applicant. Applicant submitted evidence of publication and mailing of Required Notice to Affected Property Owners for tonight's consideration of preliminary approval of the subdivision plat and public hearing on the application for site plan approval for property on Hamilton Road.

Questions arose as to which plan the Zoning Board had before it when it granted required variances to the Applicant. It was determined that said plan was the Site Plan dated 12/23/97, a 1/31/98 Survey, and Sheet #2 Revision of 12/24/97.

The Chairman opened the public hearing. Mr. Hurwitz, a neighbor, cited concerns for blacktop and



trees. Mr. D'Alessio agreed to do some screening. At the May meeting, Mr. D'Alessio to show a planting or screening plan and an improved driveway plan. The Public Hearing was closed.

The Board, having found at its January meeting that this Application is for an Unlisted Action for SEQRA purposes, then reviewed the EAF and made a Negative Declaration. The Chairman undertook to file the Negative Declaration as required by SEQRA.

The Board then adopted a Resolution granting preliminary approval for the subdivision Layout and Limited Site Development Plan Approval, subject to certain conditions. A copy of said Resolution is attached to these minutes and made a part hereof.

The Board scheduled a public hearing for final subdivision approval for its May meeting.

**IPB Matter #95-21:**                    **Application of Spectrum Irvington Corp., for an**  
**Amendment to Site Development Plan**  
**Approval for**  
**Lot #24, Legend Hollow Subdivision.**

Mr. Craig Studer appeared for the Applicant. Applicant paid an application fee for an amendment to a site development plan approval of \$50.00 and furnished evidence of publication and mailing of the required Notice to Affected Property Owners.

Plans submitted were titled "Site Plan (Lot #24) Legend Hollow, prepared by Spectrum Group Design Collaborative," dated 3/4/98, revised 3/31/98. Environmental Conservation Board concerned regarding wetland intrusion, Mr. Studer will reduce driveway width to eliminate intrusion on wetland. The application was carried over to the May 6, 1998 meeting.

**IPB Matters #98-14.15,16,**                    **Application of Spectrum**  
**Irvington Corp., for**  
**17,18,19,20:**                    **Site Development Plan**  
**Approval for Lots #1,**  
**8, 9, 11, 13, 29 & 39, Legend**  
**Hollow**  
**Subdivision.**

Messrs. Craig Studer and Dan Gray appeared for the Applicant. Applicant paid application fees and provided Affidavits of Publication and evidence of mailing of required Notice to Affected Property Owners. Mr. Mastromonaco's memos dated April 1, 1998 were considered.

**IPB Matter #98-14:**

**Lot #1**

The Chairman opened the public hearing. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #1) Legend Hollow, prepared March 4, 1998."

**IPB Matter #98-15:**

**Lot #8**

The Chairman opened the public hearing. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #8) Legend Hollow, prepared March 4, 1998, revised March 31, 1998, which revision incorporated changes requested by the Planning Board during its site walk inspection plus comments from the Board's Consulting Engineer.

**IPB Matter #98-16:**

**Lot #9**

The Chairman opened the public hearing. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #9) Legend Hollow, prepared March 4, 1998".

**IPB Matter #98-17:**

**Lot #39**

The Chairman opened the public hearing. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #39) Legend Hollow, prepared March 3, 1998, revised March 31, 1998" which revision incorporated changes requested by the Planning Board during its site walk inspection plus comments from the Board's Consulting Engineer.

**IPB Matter #98-18:**

**Lot #11**

The Chairman opened the public hearing. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site

Plan (Lot #11) Legend Hollow, prepared March 4, 1998, revised March 9, 1998".

**IPB Matter #98-19:**

**Lot #13**

The Chairman opened the public hearing. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #13) Legend Hollow, prepared March 4, 1998, revised March 9, 1998.

**IPB Matter #98-20:**

**Lot #29**

The Chairman opened the public hearing. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #29) Legend Hollow, prepared March 4, 1998, revised March 31, 1998" as per Consulting Engineer's comments.

The Board then considered the following administrative matters:

- Minutes of the Planning Board held on March 4, 1998, previously distributed, were on motion duly made and seconded, approved.
- A Special Meeting with Westwod Development Associates was scheduled for April 29, 1998 at 8:00 p.m.
- The next regular meeting of the Planning Board was scheduled for May 6, 1998.

There being no further business, the meeting was adjourned.

Respectfully submitted,

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Allen Morris, Secretary